(358)

Distr.
LIMITED

E/CN.4/1994/L.9
15 February 1994

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fiftieth session
Agenda item 9

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

Angola, Barbados, Burundi*, Cameroon, China, Colombia, Costa Rica, Cuba, Ethiopia*, Ghana*, India, Kenya, Malawi, Mauritania, Mauritius, Nigeria, Rwanda*, Senegal*, Sudan, Swaziland*, United Republic of Tanzania* and Zambia*: draft resolution

Use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination

The Commission on Human Rights,

Recalling the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the sovereign equality, political independence and territorial integrity of States and the self-determination of peoples, as well as the need for scrupulous respect for the principle of the non-use of force or threat of use of force in international relations as developed in the Declaration on the Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations (General Assembly resolution 2625 (XXV)),

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recognizing that mercenaries are used for activities which violate these principles,

Alarmed at the continuing trend of unlawful international activities involving mercenaries in the perpetration of violent actions inimical to the constitutional order of States,

Concerned at the grave menace that the increasing activities of mercenaries represent for many States, particularly African States,

Gravely concerned at the loss of life, the damage to property and the negative effects on the economies of affected States, in the southern African region and elsewhere,

Convinced that it is necessary to develop international cooperation among States for the prevention, prosecution and punishment of such offences,

1. Takes note with appreciation of the report of the Special Rapporteur (E/CN.4/1994/23) on the use of mercenaries and the concern expressed therein at the continuation of the activities of mercenaries despite resolution 1993/5 of 19 February 1993 of the Commission;

2. Reaffirms that the recruitment, use, financing and training of mercenaries should be considered as offences of grave concern to all States;

3. Urges all States to prevent mercenaries from using any part of their territories to destabilize or to threaten the territorial integrity of any sovereign State;

4. Calls upon all States that have not yet done so to consider taking early action to ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries;

5. Requests the Special Rapporteur to report to the Commission at its fifty-first session on all further developments on the use of mercenaries, wherever that may occur;

6. Urges all States to cooperate with the Special Rapporteur in the fulfilment of his mandate;

7. Requests the Special Rapporteur to make specific recommendations on effective measures to combat the activities of mercenaries;

8. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance for the fulfilment of his mandate.